

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MAR 10 2020

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

MARLON CORTEZ ROSS
Petitioner,

v.

FEDERAL BUREAU OF PRISONS
ST. JOSEPH'S HOSPITAL,
SALVATORE LANASA, MD.
DEFENDANTS.

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§

Bivens

Civil Case No. 3:20cv43

Complaint for Damages

Groh
Trumble
Sims

MOTION FOR LEAVE TO SUBMIT

NOW COMES, the Petitioner, Marlon Cortez Ross, In Propria Persona, (Pro se) and respectfully Prays this Honorable Court Grant to Petitioner Leave to submit the Complaint for Damages pursuant to Rule 65 of the Federal Rules of Civil Procedure, brought forth herewith and contemporaneous to the instant Motion. Petitioner appears as Pro se, and Prays liberal construction in a light most favorable to Petitioner. Haines v. Kerner, 404 U.S. 519, 520 (1972); Erickson v. Pardus, 551 U.S. 89, 91 (2007).

Petitioner is not asking this Honorable Court for permission to amend at this time. Petitioner is asking to submit a complaint for Damages. Petitioner's Eighth Amendment under the United States Constitution has been violated. Petitioner submits the instant Motion in good faith as a Pro se litigant, unlearned in the Law, unsure as to under which circumstances a litigant must seek Leave before the Honorable Court, and in all respectful deference to the Court. The formal cognizance of Petitioner's submitting his Complaint for Damages is of the greatest importance, hence the caution shown through submitting the instant motion.

Prayer for Relief

WHEREFORE, Petitioner Prays the instant Motion is well-taken by this Honorable court, and that in consideration of Petitioner's Pro se status, the Court Grant Leave to Petitioner to submit the contemporaneously tendered Rule 65 of the Federal Rules of Civil Procedures.

IT IS SO PRAYED.

Respectfully submitted,

Mareon Cortez Ross
MAREON CORTEZ ROSS
REG. NO. 31115-057
FEDERAL MEDICAL CENTER
LEXINGTON
P.O. BOX 14500
LEXINGTON, KENTUCKY 40512

SAS
Ex-1-06-227

CERTIFICATE OF SERVICE

The preceding motion was delivered in a properly addressed, Postage Prepaid envelope to the Prison Legal Mail authorities on the same day as signed. A copy of the motion was sent to the following:

- Clerk of Courts
United States District Court
Northern District of West Virginia
500 West Pike Street, Room 301
P.O. Box 2857
Clarksburg, WV 26302
- Federal Bureau of Prisons
Beckley Consolidated Legal
Center 1600 Industrial
Park Road, P.O. Bx 1280
Beaver, West Virginia 25813
- St. Joseph's Hospital
1 Amaila Drive
Buckhannon, West Virginia 26201

So Certifies and Declareth: These documents have been placed in the United States Postal Service Mailbox on:

Marlon Cortez Ross

VERIFICATION

Under the penalty of Perjury as authorized by Title 28 U.S.C. § 1746 and pursuant to the Prison Legal Mail Department, I declare and affirm the submission through said department and under Houston v. Lack, 487 US 266, 101 L.Ed. 2d 245, 108 S.Ct. 2379(1988). I further declare the factual allegations and factual statements contained in this document are true and correct to the best of my knowledge.

Marlon Cortez Ross
MARLON CORTEZ ROSS